

EXHIBIT D

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Lead Counsel for the Indirect Purchaser Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)	)	Master File No. CV-07-5944 SC
ANTITRUST LITIGATION)	
	)	MDL No. 1917
)	
	)	DECLARATION OF MARIO N. ALIOTO
	)	IN SUPPORT OF INDIRECT
	)	PURCHASER PLAINTIFFS' MOTION
	)	FOR ATTORNEYS' FEES,
	)	REIMBURSEMENT OF LITIGATION
	)	EXPENSES, AND INCENTIVE AWARDS

This document relates to:	)	Hearing Date: November 13, 2015
	)	Time: 10:00 a.m.
ALL INDIRECT PURCHASER ACTIONS	)	Courtroom: One, 17th Floor
	)	Judge: Honorable Samuel Conti

1 I, Mario N. Alioto, declare:

2 1. I am an attorney duly licensed by the State of California and am admitted to
3 practice before this Court. I am a partner with the law firm Trump, Alioto, Trump & Prescott,
4 LLP and my firm serves as Lead Counsel for the Indirect Purchaser Plaintiffs (“IPPs”) in the
5 above-captioned action. I submit this declaration in support of the IPPs’ Motion for Attorneys’
6 Fees, Reimbursement of Litigation Expenses, and Incentive Awards. The matters set forth herein
7 are within my personal knowledge and if called upon and sworn as a witness I could competently
8 testify regarding them.

9 2. I and members of my firm have been involved in every aspect of this litigation
10 since its inception. This Court appointed the undersigned and my firm as Interim Lead Counsel
11 for the Indirect Purchaser Class on May 9, 2008 (Dkt. No. 47), and confirmed the appointment as
12 Lead Counsel on September 24, 2013. (Dkt. No. 1950). I, or members of my firm, have
13 personally overseen all of the work performed in this litigation on behalf of the Class.

14 3. Lead Counsel and the other IPP firms that worked on this case on behalf of
15 indirect purchasers (collectively “IPP Counsel”) have litigated this case for the past eight-years
16 on a contingency fee basis and have assumed significant risks that we would receive no
17 compensation for our work. IPP Counsel have declined the opportunity to perform other legal
18 work in favor of pursuing this litigation. Due to complexity of this case and the amount of work
19 involved, certain lead attorneys (including several from my firm) were working full time on this
20 case for several years and were unable to take on any other work.

21 4. I provide in this declaration a summary of: (a) the work performed by IPP
22 Counsel; (b) the history of the litigation; (c) the time expended in litigating this case; (d) the steps
23 Lead Counsel has taken to manage this case efficiently; (e) the expenses reasonably incurred in
24 support of the litigation; and (f) the work performed by Class Representatives in support of IPP
25 Counsel’s request for incentive awards.

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1 Lead Counsel also took the lead on coordinating all of the discovery efforts with the other
2 plaintiff groups.

3 **Document Discovery**

4 26. IPP Counsel drafted and served the first set of document requests on Defendants
5 in June 2008 seeking production of the documents Defendants had produced to the Grand Jury.
6 But on July 7, 2008, the Department of Justice's Antitrust Division ("DOJ") moved for a stay of
7 all discovery pending their criminal investigation into the CRT conspiracy. (Dkt. No. 321.)
8 Thereafter, IPP Counsel engaged in extensive negotiations with the DOJ, the DPPs and
9 Defendants and worked out a Stipulated Order dated September 12, 2008 that provided for a
10 limited stay of merits discovery until September 12, 2009. (Dkt. No. 379.) At the request of the
11 DOJ, this stay was extended on several occasions, with the stay on document discovery
12 continuing until March 12, 2010, and the stay on deposition discovery continuing until March 1,
13 2011. (Dkt. Nos. 425, 590, 798.)

14 27. The Stipulated Order also contained various document requests to Defendants.
15 These requests sought sales and cost data and other information relevant to class certification.
16 Certain Defendants produced documents and data responsive to these requests. The others took
17 the position that they need not respond to discovery until the motions to dismiss were decided.

18 28. Beginning in January 2009, while the DOJ stay on merits discovery was in effect,
19 IPP Counsel worked with the expert economists to subpoena and negotiate productions of
20 documents and data from over 50 third-party retailers, distributors and CRT television and
21 monitor manufacturers.⁹ Each of these subpoenas had to be individually negotiated with the
22 assistance of IPPs' expert economists. Lead Counsel handled several of the subpoena
23 negotiations and assigned the others to various IPP Counsel. Lead Counsel oversaw all of these
24 negotiations and kept track of their status. The negotiations were often difficult and protracted

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26 ⁹ A list of all the third-party subpoenas served by IPPs is contained in Exhibit 2 to this
27 Declaration.

1 given the breadth of the information IPP Counsel were requesting, the age of the data and the fact
2 that these third parties had no interest in the case. This data was critical to the preparation of
3 IPPs' motion for class certification.

4 29. The DOJ's stay was partially lifted on March 8, 2010 and certain Defendants
5 began their rolling production of so-called "Grand Jury documents."¹⁰ Additionally, on March
6 25, 2010, Lead Counsel, with the assistance of some other IPP Counsel, propounded a second set
7 of document requests and interrogatories on all Defendants. The meet and confers with defense
8 counsel regarding Defendants' responses to those requests began in June 2010 and continued for
9 approximately two years.

10 30. Defendants strenuously objected to IPPs' discovery requests and initially refused
11 to produce any documents or data, or respond to any interrogatories regarding their activities
12 outside the United States. Despite having lost their motion to dismiss IPPs' claims based on
13 foreign CRT sales under the FTAIA, Defendants argued that foreign discovery was barred under
14 the FTAIA. Defendants also asserted that the four-year statute of limitations barred all discovery
15 regarding their activities prior to November 2003 (four years before the filing of the first IPP
16 complaint), and refused to produce any discovery regarding finished CRT products on the
17 grounds that it was irrelevant. These objections required extensive meet and confers and,
18 ultimately, several motions to compel before the Special Master in the Fall of 2010.¹¹ Lead
19 Counsel and one other IPP firm did a substantial amount of work on these motions in
20 coordination with DPP Counsel.

21 31. Even after these issues were resolved and the Special Master ordered the parties to
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24 ¹⁰ Only Defendants Chunghwa, Samsung SDI, Philips, and Hitachi produced documents to the
25 Grand Jury, and the productions from Philips and Hitachi came only from their U.S. subsidiaries.
In other words, the Grand Jury production was very limited.

26 ¹¹ A list of all the discovery motions briefed by IPP Counsel is contained in Exhibit 3 to this
27 Declaration.

Exhibit 2

THIRD PARTY SUBPOENAS SERVED	
Name of Entity	Level
Acer America Corporation	Manufacturer
Amazon.com	Retailer
AOC	Manufacturer
Apple	Manufacturer
Arrow Electronics	Retailer
BenQ USA Corp.	Distributor
Best Buy Co., Inc.	Retailer
Buy.com	Retailer
CDW Corp.	Manufacturer
Circuit City	Retailer
Costco	Retailer
CTX Technology	Distributor
Dell, Inc.	Manufacturer
Envision Peripherals	Retailer
Five Rivers Electronics	Manufacturer
Fourstar Group	Distributor
Fry's Electronics	Retailer
Funai Corporation, Inc.	Manufacturer
Gateway, Inc.	Manufacturer
Hewlett Packard, Inc.	Manufacturer
IBM Corporation	Manufacturer
Iiyama North America, Inc.	Distributor
Ingram Micro Inc.	Distributor
Meijer, Inc.	Retailer
NEC Display Solutions of	Manufacturer
Newegg.com	Retailer
Nexgen Mediatech USA, Inc.	Distributor
NowDirect.com	Retailer
Office Depot	Retailer
OfficeMax, Inc.	Retailer
One Diamond Electronics	Retailer
PC Connection	Retailer
PC Mall	Retailer

Name of Entity	Level
Proview Technology, Inc.	Manufacturer
RadioShack Corp.	Retailer
Sam's Club	Retailer
Sanyo North America Corp.	Manufacturer
Sharp Electronics Corporation	Manufacturer
Sony Corporation of American	Manufacturer
Sony Electronics, Inc.	Retailer
Staples	Retailer
Target	Retailer
SYNAP	Distributor
TCL-Thomson Technologies, Inc.	Manufacturer
Tech Data Corp.	Distributor
Tech Depot	Retailer
UTI Technology, Inc.	Manufacturer
Video Display Corporation	Distributor
Wal-Mart Stores, Inc.	Retailer
Zenith Corp.	Manufacturer
Zones	Distributor